

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86359908
LAW OFFICE ASSIGNED	LAW OFFICE 112
MARK SECTION	
MARK	http://tmng-al.uspto.gov/resting2/api/img/86359908/large
LITERAL ELEMENT	ICON SPORTSWIRE
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
GOODS AND/OR SERVICES SECTION (038)(current)	
INTERNATIONAL CLASS	038
DESCRIPTION	
Electronic delivery of images and photographs via a global computer network	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 06/01/2014
FIRST USE IN COMMERCE DATE	At least as early as 06/01/2014
GOODS AND/OR SERVICES SECTION (038)(proposed)	
INTERNATIONAL CLASS	038
DESCRIPTION	
Electronic delivery of images and photographs via a global computer network	
FILING BASIS	Section 1(a)
FIRST USE	

ANYWHERE DATE	At least as early as 06/01/2014
FIRST USE IN COMMERCE DATE	At least as early as 06/01/2014
STATEMENT TYPE	"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application"[for an application based on Section 1(a), Use in Commerce] OR "The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use" [for an application based on Section 1(b) Intent-to-Use]. OR "The attached specimen is a true copy of the specimen that was originally submitted with the application, amendment to allege use, or statement of use" [for an illegible specimen].
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	SPU0-4013381226-20151124150138149547_.new_specimen.pdf
CONVERTED PDF FILE(S) (1 page)	\\TICRS\EXPORT16\IMAGEOUT16\863\599\86359908\xml8\RFR0002.JPG
SPECIMEN DESCRIPTION	flyer showing use of mark.
GOODS AND/OR SERVICES SECTION (042)(current)	
INTERNATIONAL CLASS	042
DESCRIPTION	Electronic storage of sports photographs
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 06/01/2014
FIRST USE IN COMMERCE DATE	At least as early as 06/01/2014
GOODS AND/OR SERVICES SECTION (042)(proposed)	
INTERNATIONAL CLASS	042
DESCRIPTION	Electronic storage of sports photographs
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 06/01/2014
FIRST USE IN COMMERCE DATE	At least as early as 06/01/2014
	"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing

STATEMENT TYPE	date of the application" <i>[for an application based on Section 1(a), Use in Commerce]</i> OR "The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use" <i>[for an application based on Section 1(b) Intent-to-Use]</i> . OR "The attached specimen is a true copy of the specimen that was originally submitted with the application, amendment to allege use, or statement of use" <i>[for an illegible specimen]</i> .
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	SPU1-4013381226-20151124150138149547_.new_specimen.pdf
CONVERTED PDF FILE(S) (1 page)	\\TICRS\EXPORT16\IMAGEOUT16\863\599\86359908\xml8\RFR0003.JPG
SPECIMEN DESCRIPTION	flyer showing use of the mark.
ADDITIONAL STATEMENTS SECTION	
DISCLAIMER	No claim is made to the exclusive right to use "SPORTSWIRE" apart from the mark as shown.
SIGNATURE SECTION	
DECLARATION SIGNATURE	/Matthew H. Swyers/
SIGNATORY'S NAME	Matthew H. Swyers
SIGNATORY'S POSITION	Attorney of Record, Member of the Virginia State Bar
SIGNATORY'S PHONE NUMBER	800-906-8626 x 100
DATE SIGNED	11/25/2015
RESPONSE SIGNATURE	/Matthew H. Swyers/
SIGNATORY'S NAME	Matthew H. Swyers
SIGNATORY'S POSITION	Attorney of Record, Member of the Virginia State Bar
SIGNATORY'S PHONE NUMBER	(800) 906-8626 x100
DATE SIGNED	11/25/2015
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	NO
FILING INFORMATION SECTION	

SUBMIT DATE	Wed Nov 25 12:00:46 EST 2015
TEAS STAMP	USPTO/RFR-XX.XXX.XX.XXX-2 0151125120046107374-86359 908-540cb1c3fecfcb62747ec d4352ebe3efd7bdb3e2c2c948 737a99f5f3f3294415153-N/A -N/A-20151124150138149547

PTO Form 1960 (Rev 9/2007)
OMB No. 0651-0050 (Exp. 07/31/2017)

Request for Reconsideration after Final Action To the Commissioner for Trademarks:

Application serial no. **86359908** ICON SPORTSWIRE(Standard Characters, see <http://tmng-al.uspto.gov/resting2/api/img/86359908/large>) has been amended as follows:

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 038 for Electronic delivery of images and photographs via a global computer network
Original Filing Basis:

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 06/01/2014 and first used in commerce at least as early as 06/01/2014 , and is now in use in such commerce.

Proposed: Class 038 for Electronic delivery of images and photographs via a global computer network

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 06/01/2014 and first used in commerce at least as early as 06/01/2014 , and is now in use in such commerce.

Applicant hereby submits one(or more) specimen(s) for Class 038 . The specimen(s) submitted consists of flyer showing use of mark. .

"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application" *[for an application based on Section 1(a), Use in Commerce]* **OR "The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use"** *[for an application based on Section 1(b) Intent-to-Use]*. **OR "The attached specimen is a true copy of the specimen that was originally submitted with the application, amendment to allege use, or statement of use"** *[for an illegible specimen]*.

Original PDF file:

SPU0-4013381226-20151124150138149547_.new_specimen.pdf

Converted PDF file(s) (1 page)

[Specimen File1](#)

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 042 for Electronic storage of sports photographs

Original Filing Basis:

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 06/01/2014 and first used in commerce at least as early as 06/01/2014 , and is now in use in such commerce.

Proposed: Class 042 for Electronic storage of sports photographs

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 06/01/2014 and first used in commerce at least as early as 06/01/2014 , and is now in use in such commerce.

Applicant hereby submits one(or more) specimen(s) for Class 042 . The specimen(s) submitted consists of flyer showing use of the mark. .

"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application" *[for an application based on Section 1(a), Use in Commerce]* **OR "The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use"** *[for an application based on Section 1(b) Intent-to-Use]*. **OR "The attached specimen is a true copy of the specimen that was originally submitted with the application, amendment to allege use, or statement of use"** *[for an illegible specimen]*.

Original PDF file:

[SPU1-4013381226-20151124150138149547_.._new_specimen.pdf](#)

Converted PDF file(s) (1 page)

[Specimen File1](#)

ADDITIONAL STATEMENTS

Disclaimer

No claim is made to the exclusive right to use "SPORTSWIRE" apart from the mark as shown.

SIGNATURE(S)

Declaration Signature

DECLARATION: The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that, if the applicant submitted the application or allegation of use (AOU) unsigned, all statements in the application or AOU and this submission based on the signatory's own knowledge are true, and all statements in the application or AOU and this submission made on information and belief are believed to be true.

STATEMENTS FOR UNSIGNED SECTION 1(a) APPLICATION/AOU: If the applicant filed an unsigned application under 15 U.S.C. §1051(a) or AOU under 15 U.S.C. §1051(c), the signatory additionally believes that: the applicant is the owner of the mark sought to be registered; the mark is in use in commerce and was in use in commerce as of the filing date of the application or AOU on or in connection with the goods/services/collective membership organization in the application or AOU; the original specimen(s), if applicable, shows the mark in use in commerce as of the filing date of the application or AOU on or in connection with the goods/services/collective membership organization in the application or AOU; *for a collective trademark, collective service mark, collective membership mark application, or certification mark application*, the applicant is exercising legitimate control over the use of the mark in commerce and was exercising legitimate control over the use of the mark in commerce as of the filing date of the application or AOU; *for a certification mark application*, the applicant is not engaged in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant. **To the best of the signatory's knowledge and belief, no other persons, except, if applicable, authorized users, members, and/or concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services/collective membership organization of such other persons, to cause confusion or mistake, or to deceive.**

STATEMENTS FOR UNSIGNED SECTION 1(b)/SECTION 44 APPLICATION AND FOR SECTION 66(a) COLLECTIVE/CERTIFICATION MARK APPLICATION: If the applicant filed an unsigned application under 15 U.S.C. §§ 1051(b), 1126(d), and/or 1126(e), or filed a collective/certification mark application under 15 U.S.C. §1141f(a), the signatory additionally believes that: *for a trademark or service mark application*, the applicant is entitled to use the mark in commerce on or in connection with the goods/services specified in the application; the applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date; *for a collective trademark, collective service mark, collective membership mark, or certification mark application*, the applicant has a bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce and had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce as of the application filing date; the signatory is properly authorized to execute the declaration on behalf of the applicant; *for a certification mark application*, the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant. **To the best of the signatory's knowledge and belief, no other persons, except, if applicable, authorized users, members, and/or concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services/collective membership organization of such other persons, to cause confusion or mistake, or to deceive.**

Signature: /Matthew H. Swyers/ Date: 11/25/2015

Signatory's Name: Matthew H. Swyers

Signatory's Position: Attorney of Record, Member of the Virginia State Bar

Signatory's Phone Number: 800-906-8626 x 100

Request for Reconsideration Signature

Signature: /Matthew H. Swyers/ Date: 11/25/2015

Signatory's Name: Matthew H. Swyers

Signatory's Position: Attorney of Record, Member of the Virginia State Bar

Signatory's Phone Number: (800) 906-8626 x100

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the owner/holder in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 86359908

Internet Transmission Date: Wed Nov 25 12:00:46 EST 2015

TEAS Stamp: USPTO/RFR-XX.XXX.XX.XXX-2015112512004610

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3-N/A-N/A-20151124150138149547



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Icon Sportswire is a photojournalist wire service that is among the premiere players in the industry, with photos regularly appearing in major national and international publications such as Sports Illustrated, The New York Times, Time Magazine, Wall Street Journal, AOL, Yahoo, Sporting News, Newsweek, ESPN the Magazine and countless others; as well as in books, web sites, major advertising campaigns and elsewhere. Our daily coverage of sport makes us a primary resource of sports images for thousands of websites, newspapers and magazines every day.

Icon Sportswire provides an unparalleled level of personalized service, delivering sports photos to clients around the world. Our staff creates unique strategies for all of our clients--from small Web operations to multi-million dollar organizations---to ensure they can immediately access the imagery they need.

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